

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

R.C. and V.H. on behalf of D.C.,

Plaintiffs,

-against-

Department of Education of the City of New York,

Defendant.

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

07 CV 6516 (BSJ) (HBP)

x

WHEREAS, the plaintiffs, R.C. and V.H., commenced this action by filing a summons and complaint in the United States District Court Southern District of New York on or about July 19, 2007, seeking attorneys' fees incurred in connection with case number 108066, an impartial hearing held pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.:

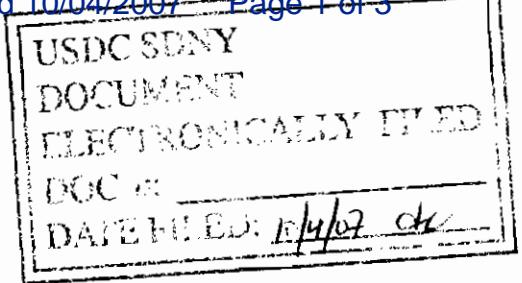
WHEREAS, the respondent denies any and all liability arising from petitioner's allegations;

WHEREAS, the parties now desire to resolve the issues raised in this complaint without further proceedings and without admission of fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, and fees in excess of the amount specified in paragraph 2 below.

2. The New York City Department of Education hereby agrees to pay Gary Mayerson and Associates, as attorneys for the plaintiffs, the sum of \$8,500.00 ("Settlement Amount"), in full satisfaction of all claims that were or could have been raised in this action for



costs, expenses, and attorney's fees. This does not, however, impact the underlying relief directed by the Impartial Hearing Officer's decision.

3. In consideration for the payment of the settlement amount, plaintiffs agree to dismiss and discontinue, with prejudice, all claims against defendants and to release defendant, its successors and assigns, and all present or former officials, employees, representatives and agents of the City of New York ("City") and the New York City Department of Education ("DOE"), from any and all liability, claims, and/or rights of action arising from the allegations set forth in the complaint herein, whether known or unknown, concerning all claims for costs, expenses and attorney's fees incurred in connection with this action and the underlying administrative proceedings giving rise to this action.

4. Nothing contained herein shall be deemed to be an admission by the defendant of any of the plaintiffs' allegations, nor an admission by the defendant that it has in any manner or way violated the rights of plaintiffs, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, charters, by-laws, rules or regulations of the United States, the State of New York, or the City of New York, or any other rules, regulations or bylaws of any department or subdivision of the City of New York, including the DOE. This Stipulation and Order shall not be admissible in, nor is it related to, any other litigation or settlement negotiations except for enforcement of the provisions contained herein.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City or DOE.

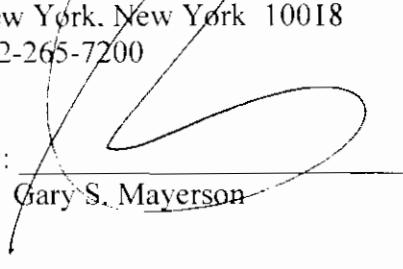
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein

7. The parties understand that the Court's endorsement of this stipulation constitutes compliance with Local Civil Rule 83.2 and Federal Rule of Civil Procedure 17.

Dated: September 27, 2007
New York, New York

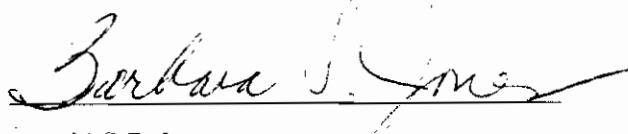
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By: 
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MICHAEL A. CARDOZO
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New York, New York 10007
212-788-0889

By: 
Andrew Rauchberg
Assistant Corporation Counsel

SO ORDERED:


Barbara J. Jones
U.S.D.J.